THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13485 OF 2007

DATED 28-06-2007

Between:

M/s Ponds Exports Limited …Petitioner

And

The Commercial Tax Officer
And three others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13485 OF 2007

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

Pending disposal of the appeal before the Sales Tax Appellate Tribunal, the petitioner preferred a stay petition before the third respondent. In the meantime, the first respondent issued notice, dated 23-06-2007, under Section 17 of the Andhra Pradesh General Sales Tax Act, 1957 to the fourth respondent attaching the bank account of the petitioner.

Since the appeal preferred by the petitioner is pending before the Tribunal, we feel that the interest of justice would be met if stay of recovery of disputed penalty is granted pending appeal, subject to deposit of 25 per cent of the disputed penalty. Therefore, we direct the petitioner to deposit 25 per cent of the disputed penalty, within a period of four weeks from today. For four weeks, there shall be an unconditional stay of recovery of disputed penalty and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The notice, dated 23-06-2007, is also suspended till disposal of the appeal. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki, J)

Dated 28th June, 2007

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(S.Ananda Reddy, J)

***Note*:** Issue wire at party's cost

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